

Office Action Dated December 10, 2009  
Application No. 10/552,163  
Attorney Docket No. 82062-0177  
Response Dated April 9, 2010

## **REMARKS**

At the outset, Applicant appreciates the Examiner's thorough review and consideration of the application. The final Office Action of December 10, 2009 has been received and its contents carefully noted. Claims 53-101 are pending. For the following reasons, Applicant respectfully requests that the standing rejections be withdrawn.

- *Interview Summary.*

Applicant's representative wishes to thank the Examiner for the courtesies extended during the interview of March 30, 2010 ("the interview"). During the interview, Applicant and Examiner reached agreement that the Applicant's specification provided support sufficient to overcome the written description rejection, as outlined below. The Examiner indicated that Applicant's arguments regarding the art of record, also outlined below, were reasonable and would be considered, if submitted. The Examiner indicated that she would perform a follow-up search to ensure that the claims are patentable over yet-to-be-identified prior art. Finally, the Examiner acknowledged that, should the product claims (91-101) be allowable based upon a special technical feature shared with the process claim (53-90), the restriction requirement would be withdrawn.

- *Rejections under 35 U.S.C. § 112.*

Claims 91-101 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Specifically, the Office Action stated that the specification does not disclose a layer (T<sub>1</sub>) that is not bonded prior to the addition of layers T<sub>2</sub> and T<sub>3</sub>. *OA* at 3. In other words, the Office Action stated that the specification did not disclose a

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process without a pre bonding step. Applicant respectfully traverses this rejection for the reasons discussed in the interview and outlined below.

Fig. 1 and paragraph 74 disclose a process without a pre bonding step. In Fig. 1b, the layers T<sub>1</sub>, T<sub>2</sub>, and T<sub>3</sub> are added together before they are bonded under the hydroentangler at 8. Thus, Fig. 1b illustrates a process without a pre bonding step. Paragraph 74 provides further support for this limitation, stating “the process of the present invention advantageously allows to eliminate the lengthy and costly steps of adhesion and/or pretreatment of the fibers.” *Spec.* at 74. By contrast, Fig. 1c illustrates a process that includes a pre bonding step where layer, T<sub>1</sub>, is bonded (by hydroentanglement at 12) before it is applied to the other layers.

For these reasons, Applicant respectfully requests the removal of this rejection.

- ***Rejection under 35 U.S.C. § 102(b) in View of Vonfeldt.***

Claims 91-96 and 101 stand rejected as being anticipated by U.S. Pat. No. 6,739,023 (“Vonfeldt”). While Vonfeldt discloses a process with a pre bonding step, the Office Action stated that this is a process limitation and not a structural limitation. The Office Action noted that this rejection could be overcome by demonstrating that removing the pre bonding step produces a structurally different product. *OA* at 5. As discussed during the interview, removing the pre bonding step produces a softer, less rigid and more cohesive product. A softer non woven is more appealing to customers when used for garments, to clean sensitive materials such as glasses or for personal hygiene.

Both Applicant’s specification and the prior art recognize the structural effect of bonding on the final product. The Applicant’s specification states that prior art “crimping and creasing processes make the composite preparation process longer and more expensive, and they considerably reduce the softness of the product.” *Spec.* at 7. Further, the specification discusses prior art processes that perform “adhesion and/or pre-treatment of the fibers” creating a product that has “excessive rigidity.” *Spec.* at 9. Finally, the specification discusses overcoming these deficiencies; “the process of the present invention advantageously allows to eliminate the lengthy and costly steps of adhesion and/or pretreatment of the fibers according to the prior art in order to obtain a sufficiently cohesive multi-layer product.” *Spec.* at 74.

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The prior art also recognizes the connection between pre bonding and structure. For example, Vonfeldt explains the structural effect of pre bonding, stating that “the degree of entanglement that may be achieved is dependent upon the degree to which the continuous multicomponent filaments and split filaments have been bonded together. If the nonwoven continuous filament substrate is too loosely bonded, the filaments are generally too mobile to form a coherent matrix to secure the staple fibers.” *Vonfeldt*, col. 9, ln. 17-18.

For the foregoing reasons, Applicant respectfully requests that the Examiner withdraw the anticipation rejection in view of Vonfeldt.

- ***Rejection under 35 U.S.C. § 103(a) in View of Vonfeldt.***

Claims 91-96 and 101 stand rejected as being obvious in view of Vonfeldt. As discussed during the interview, Vonfeldt teaches the importance of pre bonding.

Vonfeldt discloses a process that includes a pre bonding step. *See, e.g., Vonfeldt*, col 5, ln. 61. At no point does Vonfeldt suggest removing this step. In fact, Vonfeldt teaches that a pre bonding step is necessary for a functional product. First, Vonfeldt discusses the significance of a pre bonding step and summarizes that “although pin bonding produced by thermal bond rolls is discussed above, the present invention contemplates any form of bonding which provides good tie down of the filaments.” *Vonfeldt*, col. 5, lns. 61-64. Then, Vonfeldt teaches that a pre bonding step is necessary for a coherent end product, stating that “the appropriate levels of bonding, as described above, provide a coherent substrate that may be formed into a staple fiber composite fabric by hydroentangling.” *Vonfeldt*, col. 9, lns. 24-26.

Because Vonfeldt emphasizes the importance of including a pre bonding step and never suggests removing it, Applicant respectfully requests that this rejection be withdrawn.

- ***Rejection under 35 U.S.C. § 103(a) in View of Marmon and Palacio.***

Claims 91-96 and 101 stand rejected as obvious in light of U.S. Pat. No. 6,200,699 (“Marmon”) and U.S. Pat. Appl. Pub. No 2002/0115370 (“Palacio”). As discussed during the interview, Applicant respectfully traverses this rejection because Marmon discloses a fully

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functional process including a pre bonding step and Palacio does not teach or suggest removing it.

The Office Action stated that, while Marmon includes a pre bonding step, Palacio teaches providing “a layer of synthetic fibers or filaments that are not bonded and then apply[ing] a layer of synthetic fibers or pulp fibers and hydryoentangl[ing] the layers to form a composite.” *OA* at 8. However, as discussed during the interview, Palacio does not suggest or provide motivation for removing the pre bonding step from Marmon. In fact, Palacio discusses various pre bonding steps in great detail. *Palacio* at 84-93. Indeed, the only “synthetic fibers” Palacio suggests using are “spunbonded” fibers. *See, e.g., Palacio* at 13, 35, 40, 84, 85, 87, 124, 125. While there are passages in Palacio that are silent regarding whether certain processes include pre bonding, Palacio never teaches or suggests removing pre bonding. As a result, Palacio provides no motivation for one of ordinary skill in the art to conclude that it would be beneficial to remove the pre bonding step from the fully functional invention of Marmon.

For the foregoing reasons, Applicant respectfully requests that this rejection be withdrawn.

- ***Restriction Requirement***

Claims 53-90 are drawn to a process of making a nonwoven and claims 91-101 are drawn to an article. The Office Action maintained that these claims lack a common special technical feature and, thus, lack unity of invention. The M.P.E.P. states that unity of invention exists between a product and a process “specially adapted” for the manufacture of said product. *M.P.E.P. § 1850, IIIA.* A process is “specially adapted for the manufacture of a product if it inherently results in the product.” *Id.*

As discussed in the interview and outlined above, the absence of a pre bonding step is a special technical feature because it inherently results in the softer, less rigid more cohesive product. In light of this, the Applicant respectfully requests that the restriction requirement be withdrawn.

Office Action Dated December 10, 2009  
Application No. 10/552,163  
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Response Dated April 9, 2010

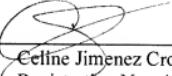
### **CONCLUSION**

In view of the foregoing, Applicant respectfully requests a timely allowance of the pending claims. If there are any fees (such as necessary extension of time or extra claims fees) due in connection with the filing of this Response that are not covered by the concurrently submitted transmittal document, please charge any necessary fees or credit any overpayments to Deposit Account No. 50-1349. The Examiner is invited to contact Applicants' undersigned attorneys and agents by telephone to discuss any matters if the Examiner feels such discussions may expedite the progress of the present application toward allowance.

Respectfully submitted,

Dated: April 9, 2010

By: \_\_\_\_\_



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